

June 14 , 2018

Approved: July 16, 2018

**Minutes  
Town of Kent Planning Board Meeting  
June 14, 2018**

Following the Pledge of Allegiance, the meeting was called to order at 7:30 PM by Mr. Phil Tolmach, Chairman of the Town of Kent Planning Board.

**In attendance were the following Planning Board members:**

Phil Tolmach, Chairman  
Simon Carey  
Giancarlo Gattucci

Charles Sisto  
Stephen Wilhelm

**Absent:**

Dennis Lowes

**Others in Attendance:**

Liz Axelson, Planner  
Bruce Barber, Environmental Consultant  
Julie Mangarillo, Engineering Consultant  
Bill Walters, Kent Building Inspector

• **Approve Planning Board Minutes from May 10, 2018**

Mr. Tolmach asked for a motion to consider the minutes for the May 10, 2018 meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Giancarlo. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Absent</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

Ryder Property, 170 Waywanda Ct., Kent, NY; TM: 41.-1-8

Mr. Joel Greenberg, the owner of Architectural Visions and architect for the owner of the property, and Dr. Ryder were at the meeting.

Mr. Greenberg said that the applicant is requesting approvals for permits to allow construction of a single-family residence on his property. Mr. Greenberg said that he had read all comments from consultants and had addressed them. Letters from neighbors had been submitted in support of this project (attached).

Mr. Tolmach asked for a motion to open the Public Hearing for this project. The motion was made by Mr. Tolmach and seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Absent</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

There was no one who wished to speak during the Public Hearing. Mr. Tolmach asked for a motion to close the Public Hearing. The motion was made by Mr. Wilhelm and seconded by Mr. Giancarlo. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Absent</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Mr. Barber's Comments (memo attached)

Mr. Barber said that the Board had discussed the limits of disturbance at the rear of the property and asked that the applicant show a deck or patio to eliminate the need for the applicant to return at a later date. He recommended that the wetland buffer be marked with boulders no greater than 5' apart or that a post and rail fence be installed. Mr. Barber said that trees may only be cut from November through March.

Ms. Mangarillo's Comments (memo attached) .

On Page 2 of the first page the date of the soil source is missing. Ms. Mangarillo said a section of a silt fence extends beyond the limits of disturbance and needs to be pulled back. There should be a barrier along the rear of the property during construction to prevent construction material from going into the wetland buffer. The bond estimate should be reduced to \$4,123.00 from \$8,459.86. Since no additional public comments have been submitted regarding this project Ms. Mangarillo recommended that it be moved to the administrative track.

Ms. Axelson's Comments (A Draft Resolution attached)

A draft Resolution was submitted by Ms. Axelson. On the bottom of page 2 condition 1 should be dated June 14, 2018. Comment 2 should be dated June 12, 2018 and Condition 3 should say "the applicant shall post a performance bond in the amount of \$4,123.00" per Ms. Mangarillo's recommendation. There were 10 conditions in the Resolution and Ms. Axelson recommended approving the Resolution.

Ms. Axelson read the Resolution as attached.

Mr. Tolmach asked for a motion to approve the Resolution as written. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Absent</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

- **Putnam Land Trust, Route 52, Kent, NY; TM: 12.-1-73 & 12.-1-74**

Mr. Ehnebuske represented the Putnam Land Trust and proposed to put up a wooden sign (picture attached). The sign conforms to the Town Code.

Ms. Axelson's Comments (Resolution attached)

The Resolution pertained to the installation of a sign, which will not be illuminated and complies with all zoning requirements. The sign is one-sided, 8' square feet, dimensions are 61 x 18.75 inches. There were no conditions in the Resolution.

Mr. Tolmach asked for a motion to approve the Resolution. Mr. Sisto made the motion and it was seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Absent</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **John Murtaugh, 1144 Peekskill Hollow Rd., NY; TM: 42.-2-51**

Mr. Murtaugh, the owner of the property, was at the meeting. Revisions and plot lines were moved. A silt fence was placed on the property and he had complied with all comments made by the consultants. He discussed changes to the plans and moved the driveway to the other side of the property. The existing septic system, an extra septic system and wells were shown on the new plans. The total disturbance was 32,000 square feet and there would be no tree cutting done and there is no general permit required. The wetland buffers were also shown on the new plans. There will be a post and rail fence near the wetlands.

Mr. Barber's Comments (memo attached)

Mr. Barber said the mitigation plan of shrubs should be considered. The post and rail fence should be shown on the plans. The DEC wetland block needs to be signed. It was suggested that a note be placed on the drawings stating that any tree cutting should be done from November 1 to March 1.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that SPDES general permit for stormwater discharge was not required so comments 2-4 on her memo should be ignored. Adjustments on the drawing may be necessary pertaining to the driveway. The bond estimate is acceptable but the Board should hold off before accepting the bond amount.

Ms. Axelson's Comments (Resolution attached)

Ms. Axelson recommended that a Public Hearing be set for July and read the May 29, 2018 Resolution to the Planning Board. Mr. Wilhelm said that the applicant did not need to circulate the application to Putnam Valley, as previously thought.

Mr. Tolmach asked for a motion to set the Public Hearing for the July meeting. The motion was made by Mr. Wilhelm and seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Absent</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

Mr. Tolmach asked for a motion to adopt the Resolution to allow the Planning Board to become Lead Agency for this project. Mr. Gattucci made the motion and it was seconded by Mr. Wilhelm. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u> _____
Simon Carey	<u>Aye</u> _____
Giancarlo Gattucci	<u>Aye</u> _____
Dennis Lowes	<u>Absent</u> _____
Charles Sisto	<u>Aye</u> _____
Stephen Wilhelm	<u>Aye</u> _____

The motion carried.

Mr. Murtaugh said that the measurements for all buildings are 30'.

**Ultimate Auto Detailing, 94 Route 311, Kent, NY; TM: 22.0-2-12**

The applicant did not submit any new material and Ms. Axelson recommended that they be taken off of the June Agenda. Mr. Tolmach asked for a motion to remove Ultimate Auto Detailing from the agenda. Mr. Wilhelm made the motion and it was seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Absent</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

• **Major Property, 16 Westleigh Ct., Kent, NY; TM: 44.05-1-63**

Mr. Barber's Comments (memo attached)

Mr. Barber mentioned that this application was for reconstruction of a single-family residence, which was destroyed by a fire, on the same footprint as the original house. The excavation is within 100' of a Kent Jurisdictional Wetland and a permit is required along with an erosion control plan. Floor plans were submitted to the Planning Board and Mr. Barber recommended this project be handled administratively.

Ms. Mangarillo's Comments (memo attached)

Although an erosion control permit is required due to the proximity to wetlands, there will not be any limits of disturbance and there will not be a new driveway, septic system or well. Ms. Mangarillo recommended that the Planning Board waive the requirements for Chapter 66 and a Public Hearing. She could not find a provision to allow her to waive the bond requirement so she recommended a bond in the amount of \$500.00 and that the project be handled administratively.

Mr. Tolmach asked for a motion to waive the requirements for Chapter 66, a Public Hearing, and to accept the bond amount of \$500.00 and allow this project to be handled administratively moving forward. The motion was made by Mr. Wilhelm and seconded by Mr. Gattucci. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Absent</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

- **Davis Property, 1155 Barrett Cir. W., Kent, NY; TM: 42.11-1-24**

Mr. Bob Bradley represented the applicants for this property. The applicants have three sub-standard lots in an R-80 zone in Sedgewick Club and they want to change it to two lots. There will not be any building – this will only be a lot-line adjustment and changing it from three lots into two lots. All parties are in agreement in this matter. Mr. Bradley verified with the Sedgewick that they had no objection and they did not.

Ms. Axelson's Comments

Ms. Axelson said she had some concerns because of the three lots two were already sub-standard and had existing non-compliance standards. She thought a variance may be needed. Mr. Bradley disagreed because no lot was to become smaller. Another concern was that the Northern and Southern parcels are two separate tax parcels and may be able to be merged, but an action would be necessary to dissolve the right-of-way. Ms. Axelson said that she recommended the matter be held over because more details are needed. Ms. Axelson will be writing up a review now that she's spoken to Mr. Bradley. A short EAF and a Zoning Plan needs to be submitted. Ms. Axelson suggested that the Zoning Board also be consulted regarding this matter. Mr. Wilhelm suggested that the two left properties be combined and the two on the right be left alone. Ms. Axelson said that was another option but a variance would be necessary. Ms. Axelson said that she would suggest that the Piccarellis may want to ensure there are no septic problems in the future.

Mr. Bradley said that with over 30 years experience on the ZBA he respectfully disagreed with everything Ms. Axelson had said. He said that there is a hill on the property and a septic could not be built in that area. He said he could get a legal opinion as to what this matter involves and that he did not feel a variance would be necessary. Mr. Carey said that Mr. Bradley should clarify whether the area in question was an easement or a right-of-way because there was a big difference between the two. Mr. Bradley said he would do so. Ms. Axelson reiterated the fact that more details would be helpful. This matter was held over until the July meeting.

- **Rte. 52 Development/Peder Scott Project, Rte. 52, Kent, NY; TM: 12.-1-52**

Mr. Scott was running late, so Mr. Caruso represented the applicant. Ms. Mangarillo suggested that the Planning Board proceed with other items on the agenda.

Mr. Caruso said that a Special Permit Application needs to be applied for as suggested by Ms. Axelson in her memo (attached). He said he would comply with other recommendations made by Ms. Axelson. He asked if it was time to apply for the Special Permit for the Truck Stop portion of the plan. Some of the major re-configuration decisions may be addressed at a work session if the Planning Board agreed to have one. Mr. Tolmach asked if the trees already felled were removed if the applicant may want to re-configure the existing plans. Mr. Caruso said that the BOH health needs to do their tests in the area where some of the trees were down and that was why they wanted to proceed with clearing some of the property.

Ms. Axelson said that she has looked at everything submitted, went through the code and had discussed the project with Mr. Caruso. She said that, along with Ms. Mangarillo and Mr. Barber, she felt that additional material was needed because the application was incomplete. Ms. Axelson said that she felt it would be helpful to have a meeting with the applicant, some of the Board members and asked that it be recorded. The Planning Board said that they had no objections to conducting a meeting. Mr. Caruso asked for guidance about the limited tree removal. Mr. Barber said that once he determined whether or not there were wetlands on the site he and the other consultants would decide whether or not he could proceed. Ms. Mangarillo requested an application and other items. She said that she felt that a general permit from the DEC would be required and a Notice of Intent or documentation that one was not required. Ms. Axelson discussed various emails sent during the week and a paragraph describing tree removal was quoted where a narrative was requested from the applicant.



**Town of Kent Planning Board Minutes  
June 14, 2018**

Permit Applications Review (Applicants attendance not required/Workshop Discussion)

- Fregosi Property    Erosion Control Plan    Status Report  
   Kentview Dr., Kent, NY  
   TM: 10.20-1-69

This matter was held over until the July meeting. The applicant is working on getting the bond together and getting Chairman’s signature on new plans.

- Auto Craft    Amended Site Plan    Status Report  
   146 Hill and Dale Rd., Carmel, NY  
   TM: 44.7-1-31

Ms. Mangarillo skipped this project for the moment. Mr. Barber advised the Planning Board that fill had been put on the property in wetlands and may encroach on neighboring property

- Raneri Property    Erosion Control Plan    Status Report  
   Hillside Paper Rd., Kent,, NY  
   TM: 44.24-1-3

Ms. Mangarillo skipped this project for the moment. Mr. Barber said that there was fill and construction debris on this property which needed to be investigated.

- Boccia Property    Erosion Control Plan/  
   Beach Court, Kent, NY    Wetland Permit    Status Report  
   TM: 21.-1-16

Mr. & Mrs. Boccia need to submit their bond and when that is done the drawings will be signed.

- Realbuto    Erosion Control Plan    Status Report  
   49 Tiger Trail, Kent, NY  
   TM: 21.8-1-39

Nothing new.

- Major Property    Erosion Control    Status Report  
   16 Westleigh Court, Kent, NY  
   TM: 44.05-1-63

Waiting for revised site plan for reconstructing a house destroyed by fire.

- Dogward Bound    Erosion Control/  
   461 Richardsville Road, Kent, NY    Site Plan/Accept Bond    Status Report  
   TM: 30.12-1-1

Waiting for additional material

**Town of Kent Planning Board Minutes  
June 14, 2018**

- Putnam Nursing & Rehabilitation Center                      Erosion Control/                      Status Report  
404 Ludingtonville Road, Holmes, NY  
TM: 12.-3-40 & 41

Waiting for additional material

- Rodriguez/Olson                      Subdivision                      Status Report  
104 Smalley Corner Road, Kent, NY  
TM: 21.-1-10

Will be submitting additional material shortly

- Von Rosenvinge Property                      Erosion Control Plan                      Status Report  
451 Pudding St., Kent, NY                      for In-Ground Swimming Pool  
TM: 31.17-1-7

Property inspected and they are ready to move forward.

Mr. Tolmach asked for a motion to close the June meeting at 9:15. The motion was made by Mr. Gattucci and seconded by Mr. Carey. The roll call votes were as follows:

Phillip Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Absent</u>
Charles Sisto	<u>Ayet</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

Respectfully Submitted,



Vera Patterson  
Planning Board Secretary  
Respectfully Submitted,

cc: Planning Board Members  
Building Inspector  
Town Clerk

JUNE 2018  
KENT PLANNING BOARD AGENDA

Workshop: June 07, 2018 (Thursday, 7:30 PM)

Meeting: June 14, 2018 (Thursday, 7:30 PM)

- Approve Planning Board Minutes from May 2018
  - Ryder Property  
170 Waywayanda Ct., Kent, NY  
TM: 41.-1-8                      Erosion Control Plan/Wetland Permit/  
Public Hearing                      Review
  - Putnam Land Trust  
Route 52, Kent, NY  
TM: 12.-1-73 & 12.-1-74                      Signage Approval                      Review
  - Ultimate Auto Detailing  
94 Route 311, Kent, NY  
TM: 22.0-2-12                      Site Plan/Change of Use/  
Sign Approval                      Review
  - John Murtaugh  
1250 Peekskill Hollow Rd., NY  
TM: 42.-2-51                      Erosion Control Plan/  
Wetland Permit/Subdivisison                      Review
  - Major Property  
16 Westleigh Court, Kent, NY  
TM: 44.05-1-63                      Erosion Control/  
Wetland Permit                      Review
  - Robert Davis  
1155 Barrett Circle W., Kent, NY  
TM: 42.11-1-24                      Lot Line Revision                      Discussion
  - Route 52 Development/  
Peder Scott Project  
Route 52, Kent, NY  
TM: 12.-1-52                      Erosion Control/Site Plan                      Presentation
- Permit Applications Review (Applicants attendance not required/Workshop Discussion):
- Fregosi Property  
Kentview Dr., Kent, NY  
TM: 10.20-1-69                      Erosion Control Plan                      Status Report
  - Auto Craft  
146 Hill and Dale Rd., Carmel, NY  
TM: 44.7-1-31                      Amended Site Plan                      Status Report
  - Raneri Property  
Hillside Paper Rd., Kent,, NY  
TM: 44.24-1-3                      Erosion Control Plan                      Status Report
  - Boccia Property  
Beach Court, Kent, NY  
TM: 21.-1-16                      Erosion Control Plan/Wetland Permit                      Status Report

**Town of Kent Planning Board Minutes  
June 14, 2018**

- Realbuto  
49 Tiger Trail, Kent, NY  
TM: 21.8-1-39                      Erosion Control Plan                      Status Report
  
- Dogward Bound  
461 Richardsville Road, Kent, NY  
TM: 30.12-1-1                      Erosion Control/  
Site Plan/Accept Bond                      Status Report
  
- Putnam Nursing &  
Rehabilitaition Center Addition  
404 Ludingtonville Road, Holmes, NY  
TM: 12.-3-40 & 41                      Erosion Control/                      Status Report
  
- Rodriguez/Olson  
104 Smalley Corner Road, Kent, NY  
TM: 21.-1-10                      Subdivision                      Status Report
  
- Von Rosenvinge Property  
451 Pudding St., Kent, NY  
TM: 31.17-1-7                      Erosion Control Plan  
for In-Ground Swimming Pool                      Status Report

*ADOPTED June 14, 2018*

**Town of Kent Planning Board  
Resolution of Freshwater Wetland Permit Approval and  
Steep Slope and Erosion Control Permit Approval for  
Ryder Residence**

**Whereas**, the Town of Kent Planning Board has received an application from Joel Greenberg, Architect for approval of a Freshwater Wetland Permit and Steep Slopes and Erosion Control Permit approvals for a project known as Ryder Residence, which involves construction of a new house to be located on a 5.429-acre site in the R-80 Residential Zoning District at 170 Waywayanda Court, Town of Kent, Putnam County, New York (tax parcel identification numbers 41.-1-8); and

**Whereas**, the proposed action involves the construction of a 2-story dwelling, detached garage, driveway, well and septic system and associated grading with an area of disturbance of 22,750 square feet (SF) or 0.52 acres; and

**Whereas**, the Planning Board has determined that the proposed project is a Type II (2) Action under as per 6 NYCRR part 617, section 617.5 (c)(9); and accordingly the proposed action is not subject to review under SEQRA; and

**Whereas**, pursuant to the Code of the Town of Kent, Chapter 39A, Freshwater Wetlands, section 39A-8 C., the Planning Board hereby finds that the proposed activity meets the standards for issuance of a Steep Slope and Erosion Control Permit, specifically:

1. The proposed disturbance to the controlled area (i.e. wetland buffer) would be consistent with the policy of Chapter 39A.
2. The proposed disturbance to the wetland buffer area as depicted on the site plan would be consistent with the land use regulations governing wetlands, water bodies and watercourses as applicable in the Town of Kent.
3. The proposed disturbance to the wetland buffer area as depicted on the site plan would be compatible with the public health and welfare.
4. There is no practicable alternative to the loss of the controlled area function.
5. The proposed disturbance would minimize the degradation to the Town's surface water bodies and adverse impacts on the functions and benefits that the surface waters provide (wetlands, water bodies and watercourses) provide.
6. The proposed disturbance would be in compliance with the standards set forth in the New York State Freshwater Wetland Regulations, 6 NYCRR 665.7(e) and (g).

**Whereas**, pursuant to the Code of the Town of Kent, Chapter 66, Steep Slope Protection and Stormwater Management, section 66-6 G., the Planning Board hereby finds that the proposed activity meets the standards for issuance of a Steep Slope and Erosion Control Permit, specifically:

1. The proposed activity is in accordance with the legislative findings listed in Code Chapter 66, section 66-2; and
2. The proposed activity is in accordance with the principles and recommendations of the Town of Kent Master Plan;
3. The proposed activity will not result in creep, sudden slope failure or additional erosion; and
4. The proposed activity will preserve and protect existing watercourses, floodplains and wetlands;
5. The proposed activity will not adversely affect existing or proposed water supplies or sewage disposal systems; and
6. The proposed activity will stabilize all earth cut and fill slopes by vegetative or structural means;

**Now Therefore Be It Resolved**, that pursuant to Code Chapter 39A, section 39A-7 D. (2), the Planning Board hereby grants Freshwater Wetlands Permit Approval for the regulated activities described herein; and

**Be It Further Resolved**, that pursuant to Code Chapter 66, section 66-6, the Planning Board hereby grants Steep Slope and Erosion Control Permit Approval for the regulated activities described herein subject to final plan review and approval by the Planning Board's Professional Engineer; and

**Be It Further Resolved**, that the approval granted herein is expressly conditioned on development of the project in accordance with the plans and details as set forth on the project plans prepared by Joel Greenberg, RA, Architectural Visions, PLLC, dated October 20, 2017, last revised May 16, 2018 consisting of drawing number AS-101 Site Plan; and Survey of Property, prepared by Joseph Link, LLS dated January 11, 2017, last revised March 6, 2018 consisting of 1 survey sheet; and

**Be It Further Resolved**, that these Freshwater Wetlands and Erosion Control Permit approvals are expressly conditioned on the completion of and/or adherence to the following:

1. Address the comments of the Planning Board's Consulting Professional Engineer as set forth in a memorandum dated June 14, 2018, including necessary plan revisions.
2. Address the comments of the Planning Board's Environmental Consultant as set forth in a memorandum dated June 12, 2018, including necessary plan revisions.

3. The Applicant shall post a performance bond or other security, in the amount of \$4,123, as per Kent Code Chapter 66, Steep Slope Protection and Stormwater Management, section 66-6 D.(4) and 66-7.
4. Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans. The erosion control may be changed or modified by order of the Planning Board Engineer or the Town Building Inspector based on field conditions.
5. Pursuant to Code Chapter 48, construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM; and Saturday and Sunday from 8:00 AM to 9:00 PM.
6. At the completion of construction the applicant shall provide a certification prepared and sealed by a New York State Licensed Professional Engineer to the Town Building Inspector and Planning Board that all site work has been carried out and completed in substantial compliance with the approved Site Plan for the project; and shall also provide to the Planning Board and the Town Building Inspector an "as built" survey of the completed development prepared and sealed by a New York State Licensed Land Surveyor.
7. Payment to the Town of Kent the following fees:
  - a. Any unpaid or outstanding application fees.
  - b. Any review fees accrued by the Planning Board during the review and approval of the application.
  - c. An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board's Professional Engineer; Environmental Consultant; and Planning Consultant.
8. The applicant shall obtain all required approvals from the Putnam County Department of Health and the New York City Department of Environmental Protection.
9. It is the responsibility of the owner/applicant to submit to the Planning Board proof that each of the conditions of these Approvals have been completed; and that the response to comments have been completed to the satisfaction of the Planning Board's Professional Engineer; Environmental Consultant; and Planning Consultant. The signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Consulting Planner verifying that the conditions of these approvals have been completed. The final drawings shall not be accepted by the Planning Board without submission of proof of completion.
10. These approvals shall expire 12 months from the date of approval unless otherwise extended by the Planning Board upon the express written request of the applicant prior to the date of expiration.

Motion: Stephen Wilhelm

Second: Simon Carey

Phil Tolmach, Chairman Aye

Simon Carey Aye

Giancarlo Gattucci Aye

Dennis Lowes Absent

Charles Sisto Aye

Stephen Wilhelm Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on June 14, 2018.

Vera Patterson, Clerk  
Town of Kent Planning Board





# Memorandum

To: Planning Board  
Town of Kent

Attn: Philip Tolmach  
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Erosion Control Plan

Date: June 14, 2018

Project: Ryder ECP 170 Waywayanda Ct  
TM # 41.-1-8

The following materials were reviewed:

- Letter prepared by Architectural Visions, dated May 16, 2018
- Short EAF dated 2/2/2018
- Survey prepared by Link Land Surveyors, revised March 6, 2018
- Drawings prepared by Architectural Visions, including:
  - AS-101 Site Plan, revised 5/16/2018

The project proposes construction of a single family house, detached garage, well and septic. There is an existing driveway. The lot has Putnam County Health Department approval for well and septic.

New or supplementary comments are shown in **bold**.

The following comments are provided for the Planning Board's consideration from a memo dated February 8, 2018 and May 10, 2018:

1. The proposed project is outside the NYCDEP East of Hudson watershed and will disturb more than 5,000 SF of land. A Town of Kent Erosion & Sediment Control Permit is required, however coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002 is not required.
2. Provide the following information as required by Town Code Chapter 66-6.B.2:
  - d. §66-6.B.2.e – Provide “a soils and slopes map indicating existing soils on the property, based on the most recent United States Department of Agriculture (USDA) Soil Conservation Service soil survey for Putnam County. Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map.”
    - i. **Soil types are shown on the map, however, “date and source of soils” could not be located.**
  - e. §66-6.B.2.g – Provide “a soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of New York State Standards and Specifications for Erosion and Sediment Control.

The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this chapter and the erosion control permit. This plan shall:"

- iii. [5] Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.

**a. Information could not be located.**

3. Provide a note on the drawing stating "Per §66-6.K (1): Within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant/landowner stating that all erosion control measures have been constructed and installed in compliance with the approved plan(s)."

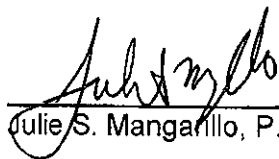
**a. Note could not be located.**

8. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
9. We defer to the Planning Board's environmental consultant regarding wetland issues.

**New Comments:**

1. Add orange construction fence or other physical delineation of limits of disturbance at rear of house prior to start of construction.
2. Shorten line of silt fence at front of house so it does not extend past the limits of disturbance line nor the Town wetland buffer.
3. A bond estimate of \$8459.86 was included in Drawing AS-101 last revised 5/16/2018. Based on other unit prices that have been used for similar projects, this amount appears high. We recommend a bond estimate of \$4,123 be accepted for the bond amount and recommended for approval by the Town Board.
4. If no additional concerns are brought forward during the public hearing, then we will recommend this project be handled administratively.

We trust the comments are useful in your review. Please let us know if we can be of additional assistance.



Julie S. Mangano, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
Bruce Barber via email  
Liz Axelson via email  
18-261-999-155



# Cornerstone Associates

---

*Environmental Consultants*  
1770 Central Street  
Yorktown Heights, NY 10598  
Phone: (914)-299-5293

June 12, 2018

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Ryder Property**  
170 Waywayanda Court  
Section 41 Block 1 Lot 8  
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised I have reviewed the following documents relative to the above referenced application:

- Plans entitled; "Project: John Ryder" prepared by Architectural Visions, dated 05/16/18, 1 sheet: AS-101.

**A: Summary of Application:**

Application is to construct a two story, three bedroom, single-family residence approximately 2,525 square feet in size on a 5.5+/- acre parcel in an R-80 zoning district on eastern side of Waywayanda Court. In addition the applicant proposes construction of a detached, garage with bathroom.

**B: Environmental review:**

The applicant has provided responses to the majority of the earlier review comments prepared by this office. The following comments remain:

Site Plan.

1. Limit of disturbance remains extremely close to the rear of the home and does not appear to be realistic if a patio or deck is to be constructed or a typical rear yard play area is to be created. Suggest that a future patio or deck be shown on the plans to ensure that future Planning Board permits will not be required to construct.
2. Plan indicates wetland buffer will be marked in the field with stone. The buffer should be marked with boulders no greater than 5' apart or a post and rail fence.

3. Plan indicates no cutting of Chestnut Oak Forest trees between November to March. Plan note should be revised to indicate no cutting of any trees during that time period.
4. Plan should indicate that the limits of disturbance shall be field located by a NYS Licensed Surveyor and installed prior to the commencement of work on the site.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Barber', written in a cursive style.

Bruce Barber, PWS, Certified Ecologist  
Town of Kent Environmental Consultant

**ADOPTED JUNE 14, 2018**

**Town of Kent Planning Board  
Resolution of SEQRA Classification; Lead Agency Intent; Circulation; and  
Referrals for:  
Subdivision; Freshwater Wetland Permit; and  
Steep Slope and Erosion Control Permit for  
Murtaugh Subdivision  
TM: 42.-2-51**

**Whereas**, the Town of Kent Planning Board has received an application from John Murtaugh for approval of a subdivision of a 17.576-acre parcel to create two (2) lots for single-family development in the R-80 (One Family Residence) zoning district located at 1144 Peekskill Hollow Road, Kent, Putnam County, New York (tax parcel identification number 42.-2-51); and

**Whereas**, the proposed action involves a minor subdivision of land with an existing single-family dwelling, 2 existing block buildings, driveways to all existing buildings and other site improvements, which would be located on proposed Lot 1; and a new Lot 2 for proposed single-family development, which is a principal permitted use in the R-80 zoning district; and

**Whereas**, the project is depicted on a subdivision plat and an erosion and sediment control plan, both prepared by Badey & Watson Surveying & Engineering, dated March 23, 2018; and a Short EAF, dated March 23, 2018 was submitted; and

**Whereas**, the proposal will also involve Freshwater Wetland Permit; and Steep Slopes and Erosion Control Permit approvals;

**Whereas**, in accordance with the New York State Environmental Quality Review Act (“SEQRA”), the Planning Board is required to determine the classification of the proposed action; and

**Whereas**, pursuant to 6 NYCRR § 617.4 and 617.5, the proposed action is neither a Type I or a Type II action under SEQRA; and

**Whereas**, the Project is located within 500 feet of Peekskill Hollow Road, a Putnam County Highway; and

**Whereas**, pursuant to Section 239-l, m and n of the General Municipal Law, projects located within 500 feet of a state or county highway must be referred to the Putnam County Department of Planning, Development and Public Transportation for a report and recommendation thereon;

**Now Therefore Be It Resolved**, that the Planning Board hereby classifies the proposed project as an Unlisted Action under SEQRA as per 6 NYCRR part 617, sections 617.4 and 617.5; and

**Be It Further Resolved**, that the Planning Board hereby declares its intent to serve as Lead Agency in a coordinated review of the Project and directs its secretary to circulate notice of its intent to all other involved and interested agencies; and

*Town of Kent Planning Board Resolution of  
SEQRA Classification; Lead Agency Intent; Circulation; and  
Referrals for Subdivision; Wetland; and Erosion Control  
for Murtaugh Subdivision  
June 14, 2018*

**Be It Further Resolved**, that the Planning Board hereby directs its secretary to refer the application to the Putnam County Department of Planning, Development and Public Transportation pursuant to Section 239-l, m and n of the General Municipal Law.

Motion:	<u>Giancarlo Gattucci</u>
Second:	<u>Stephen Wilhelm</u>
Phil Tolmach, Chairman	<u>Aye</u>
Dennis Lowes	<u>Absent</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Simon Carey	<u>Aye</u>

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on June 14, 2018.

\_\_\_\_\_  
Vera Patterson, Clerk  
Town of Kent Planning Board

\*~\*~\*~\*

Involved and Interested Agencies  
New York State Department of Environmental Conservation  
Putnam County Department of Planning, Development and Public Transportation  
Putnam County Department of Health  
Putnam County Department of Highways and Facilities  
New York City Department of Environmental Protection  
Town of Kent Building Department  
Town of Putnam Valley Town Clerk's office

P.W. Scott

Engineering & Architecture, P.C.

3871 Route 6

Brewster, NY 10509

pwscott2@comcast.net

www.pwscott.com

(845) 278-2110

FAX (845) 278-2166

June 8, 2018

Town of Kent  
25 Sybil's Crossing  
Kent Lakes, New York 10512

Re: Route 52 Commercial Development

To whom it may concern,

Please accept this request for the clearing of fallen trees on the subject property from the recent storm in order to complete PCDOH testing. The area of disturbance is approximately 4.5 acres out of the 9.5 acres septic field area as is noted on the attached septic testing site plan. We request a site visit and the definition of the permitting required in order to complete the clearing of only the fallen trees, to permit the safe access to the septic testing areas defined. The wood shall be cut into lengths and with an excavator moved to large stock pile areas for future chipping.

Our office is available for the site visit if required to define the areas anticipated. Thank you for your consideration.

With regards,

*Peder Scott*

Peder Scott, P.E., R.A.  
President

Cc: Mike Caruso, Esq.  
Tejpal Sandhu (TJ)  
Owner: Charles Bilangino, Authorized Member  
Laurel Realty, LLC

ARCHITECTURE \* ENGINEERING \* SITE PLANNING

SAOPEN PROJECTS\Kent - Site Development-TJ\Correspondence\tree removal request.doc

## Planning Kent

---

**From:** Planning Kent  
**Sent:** Tuesday, June 05, 2018 12:41 PM  
**To:** Charles Sisto (Csisto4004@comcast.net); Dennis Lowes (dmlls@verizon.net); Giancarlo Gattucci; Phil Tolmach; Simon Carey; spwilhelm@gmail.com; Planning Kent; Bruce Barber (barberbruce@yahoo.com); Julie Mangarillo (jmangarillo@rsaengrs.com); Liz Axelson  
**Subject:** Raneri Property  
**Attachments:** JRanerl.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Fyi.

Vera Patterson  
Kent Planning Board  
25 Sybil's Crossing  
Kent, NY 10512  
845-225-7802 (T)  
845-306-5283 (F)  
[planningkent@townofkentny.gov](mailto:planningkent@townofkentny.gov)

---

**From:** Rich Othmer  
**Sent:** Tuesday, June 05, 2018 10:36 AM  
**To:** Planning Kent; Building Inspector; Lana Cappelli; [jmangarillo@rsaengrs.com](mailto:jmangarillo@rsaengrs.com)  
**Cc:** 'john karell'  
**Subject:** FW:

To All;

My field inspection in reference to the Raneri property attached. It looks like an OK project. Let me know as it proceeds if you need any more input.

Thanks;

Rich Othmer

---

**From:** Highway Kent  
**Sent:** Tuesday, June 05, 2018 10:31 AM  
**To:** Rich Othmer  
**Subject:**





**Town of Kent Highway Department**  
*Richard T. Othmer, Jr., Highway Superintendent*  
62 Ludington Court  
Kent Lakes, New York 10512  
(845) 225-7172 Fax (845) 225-9464  
E-mail: [rothmer@townofkentny.gov](mailto:rothmer@townofkentny.gov)

## MEMORANDUM

**Date: June 5, 2018**

**To: Honorable Phil Tolmach Chairman Town of Kent Planning Board**

**From: Richard T. Othmer Jr, Highway Superintendent**

**Subject: Property of Jerry Raneri, Hillside Road, Kent**

---

Honorable Chairman Tolmach & Members of the Board;

On May 29, 2018 I met with property owner Jerry Raneri & Civil Engineer Jack Karell at Mr. Raneri's property on Hillside Road for a driveway access construction review.

Hillside Road is not a dedicated Town Road as are many of the "hidden roadways" in Lake Carmel and this portion of Hillside Road presently provides access to two existing houses. This undedicated spur is no different than most dedicated Town Roads in Lake Carmel.

In my opinion the undedicated portion of Hillside Road is sufficiently wide enough and configured to allow access to the proposed house for any type of emergency or other vehicle to use. The present roadbed is in good condition.

Even though this portion of Hillside Road is not a dedicated Town road, I have no objection to it being used to access the new house.

Respectfully;

A handwritten signature in black ink, appearing to read "R. Othmer Jr.", written over a horizontal line.

Richard T. Othmer Jr.



# Cornerstone Associates

---

*Environmental Consultants*  
1770 Central Street  
Yorktown Heights, NY 10598  
Phone: (914)-299-5293

June 12, 2018

To: Planning Board  
From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Major Property**  
16 Westleigh Court  
Section 44.05 Block 1 Lot 63  
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised I have reviewed the following documents relative to the above referenced application:

- Short-form EAF (Part I) executed by Robert Miller, R.A. dated May 23, 2018.
- Plans entitled; "Fire Damage Reconstruction-Major Residence" prepared by RCM Architectural Design dated 01/08/18, 1 sheet: LS-1.
- Architectural Plans entitled; "Fire Damage Reconstruction-Major Residence" prepared by RCM Architectural Design dated 01/09/18, 7 sheets: A-1, A-2, A-3, A-4, A-5, A-6, A-7.
- Property Survey prepared by Link Land Surveyors dated 08/10/17.

**A: Summary of Application:**

Application is to re-construct a fire damaged single-family residence situated on a 2.335 +/- acre parcel in an R-40 zoning district. It is indicated that the house will be essentially the same as prior to the fire damage with a small area of proposed foundation addition. Applicant should provide floor plan and elevations prior to fire.

**B: Environmental review:**

EAF:  
Review complete.

Plans.

Requires signature by architect.  
Seal and signature required by surveyor.  
It is unclear if modifications to the existing shed in the wetland buffer are proposed.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Certified Ecologist  
Town of Kent Environmental Consultant



**ROHDE, SOYKA  
& ANDREWS**  
Consulting Engineers, P.C.

40 Garden Street  
Poughkeepsie, NY 12601  
Phone: (845) 452-7515 Fax: (845) 452-8335  
E-Mail Address: info@rsaengrs.com

*Wilfred A. Rohde, P.E • Michael W. Soyka, P.E • John V. Andrews, Jr., P.E.*

**To:** Planning Board Town of Kent  
**From:** Julie S. Mangarillo, P.E., CPESC  
**Date:** June 14, 2018

**Attn:** Philip Tolmach, Chairman  
**Subject:** Erosion Control Bond Amount  
**Project:** Ryder - Waywayanda Ct  
**Tax Map:** 41.-1-8

The erosion control bond is as follows:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
Soil stockpiles	1	EA	\$ 500.00	\$ 500.00
Seed and mulch	22,750	SF	\$ 0.06	\$ 1,365.00
Stabilized construction entrance	1	EA	\$ 750.00	\$ 750.00
Silt Fence	377	LF	\$ 4.00	\$ 1,508.00
			<b>TOTAL:</b>	<b>\$ 4,123.00</b>

Compare to Estimate prepared by Architectural Visions on Drawing AS-101 revised 5/16/2018

Silt Fence	377	LF	\$ 0.96	\$ 361.92
Rye Seed Mix	2,237	CY	\$ 3.62	\$ 8,097.94
			<b>TOTAL:</b>	<b>\$ 8,459.86</b>



# MORRIS ASSOCIATES

ENGINEERING & SURVEYING CONSULTANTS, PLLC

9 Elks Lane, Poughkeepsie, New York 12601 Tel: (845) 454-3411 Fax: (845) 473-1962  
 64 Green Street, Suite 1, Hudson, New York 12534 Tel: (518) 828-2300 Fax: (518) 828-3963

## MEMORANDUM

**Date:** June 13, 2018  
**To:** Town of Kent Planning Board  
**From:** Liz Axelson, AICP  
**RE:** Route 52 Development Site Plan; & Erosion Control Plan, Route 52, Tax Parcel No. 12.-1-52 / MA# 218045.00

I reviewed the materials listed at the end of this memorandum, which were received by my office on April 23, 2018. I also reviewed online mapping resources; the Code of the Town of Kent, Chapter 77, Zoning; and other Kent code chapters. Based on my review, I offer the following comments for the Board's consideration:

### Summary

1. The proposal involves site development of a 137.435-acre parcel to create an approximately 54-acre excavated, graded area for mixed use commercial development (see tax parcel listed above) in the IOC (Industrial-Office-Commercial) zoning district. The existing site is vacant, wooded and steeply sloped with 10 wetland areas of various sizes. Proposed site development is located on the western half of the site. Proposed uses include 2 hotels; a conference center; an indoor recreation facility; a truck/rest stop building with retail and restaurants; and a motor vehicle repair and service station with fueling, tire shop and possibly other truck service and repair. All four (4) proposed driveways would provide access from Route 52 just east of Interstate 84 (I-84) exit 17. The site also has frontage on I-84.
2. Steep slopes and large trees throughout the proposed site development area and certain wetlands will necessitate reconfiguration of the site layout. Redesign will make the proposed development more appealing to potential visitors. Please refer to the Statement of Use and Full EAF comments below, which elaborate on zoning and code compliance issues.
3. Key elements of the site plan are missing or require clarification. The motor vehicle repair and service station with fueling, tire shop and possibly other truck service and repair requires a special permit application and plans and materials demonstrating compliance with supplementary requirements and special use objectives. The required special permit would be subject to approval by the Planning Board. Accordingly, the application is not complete.
4. Additional reports, complete and clear plan information and details about the existing conditions and proposed action are required for consideration of Full Environmental Assessment Form (Full EAF).

### SEQRA

5. The proposed action appears to be a Type I (1) action as per the SEQRA regulations, Part 617, section 617.4 (b)(6)(i), (iii) and (iv).
6. Additional reports, plan information and details about the existing conditions and proposed action, as well as Full EAF revisions, are required for Planning Board initiation of SEQR review. Although a report list was submitted, our office did not receive copies of the listed

reports. It is my understanding that the listed reports were not officially submitted. Based on an intensive initial review, it is recommended that the following reports be provided for review under the SEQRA and for compliance with Kent's Town Code as follows:

- a. Narrative and corresponding reports about compliance with code provisions for:
    - i. wildlife and plant biodiversity, including rare, threatened and endangered species' habitat suitability assessment report, in compliance with Town requirements;
    - ii. U.S. Fish and Wildlife Service IPaC (Information for Planning and Assessment) report;
    - iii. environmentally sensitive lands;
    - iv. wetlands delineation and report, including wetland functional values; and hydrology; and wetland and biodiversity assessment report, in compliance with Town requirements;
    - v. tree survey map with report, including trees to be removed and to be preserved;
    - vi. steep slopes;
  - b. Narrative and report pertaining to mined land site reclamation, including mining operations; access; depth requirements; and reclamation schedule;
  - c. Narrative to address the requirements of Chapter 38, Fire Prevention, Article II regarding blasting;
  - d. Visual Impact analysis, including:
    - i. extensive changes to site topography;
    - ii. visibility of proposed buildings and large parking lots;
    - iii. removal of vegetation; and
    - iv. possible impacts on the view of the site from nearby roadways, recreational facilities or other viewpoints within the project site's environs;
  - e. Steep slopes map and expanded narrative;
  - f. Noise impact analysis to address:
    - i. Rock removal and blasting;
    - ii. Construction activities;
    - iii. Tire repair; service aisle' and other truck service areas; and
    - iv. Truck traffic;
  - g. Engineering reports for water supply and wastewater treatment;
  - h. Stormwater Pollution Prevention Plan (SWPPP), which must address hotspots for proposed fuelling and repair facilities;
  - i. Groundwater study;
  - j. Traffic Impact Study, including car and truck traffic; and construction traffic;
  - k. Air quality analysis and impact report;
  - l. Phase 1A Literature Search and Sensitivity Assessment for cultural (historical and archaeological) resources; and copies of any submittals the NYS Office of Parks, Recreation and Historic Preservation (NYS OPRHP; or SHPO via CRIS);
  - m. Housing needs assessment to address the needs of person who would be employed at the various business on the developed site;
  - n. Fiscal Impact Analysis including possible effects on police, fire and other emergency services;
  - o. Market study;
7. Reconfiguration of the site layout will reduce impacts on the site's environmentally sensitive resources including steep slopes, bedrock, trees, wooded areas, and wetlands; and provide a plan that complies with the pertinent code chapters noted herein. These and other plan

revisions are required so that the Planning Board may consider initiation of SEQR at a later date.

### Statement of Use and Full EAF

8. I defer to the Planning Board's Engineering and Environmental Consultants about the environmental; engineering; and code issues presented in the submitted Statement of Use and Full EAF.
9. The submitted Statement of Use appears to serve as narrative preceding the Full EAF, which provides more detail about the Proposed Action. Revise the Statement of Use (SoU) and corresponding application and plan elements to address the comments below. The comments follow the order of the submitted SoU:
  - a. Under the SoU heading "Property Description", note that across Route 52 (not 55) there is an R-40 Single-family Residential zoning district in addition to other lands in the IOC zone.
  - b. The Existing Conditions (Sheet EX) should be readable. For example, the following items are illegible: elevation contours and the elevation labels thereon; and wetland boundaries and the various wetland identification numbers.
  - c. Add to or clarify bedrock outcroppings on Sheet EX.
  - d. Delineate steep slopes on Sheet EX or provide a separate steep slopes map.
  - e. Under the SoU section heading "Permitted Uses", it is suggested the listed uses be more consistent with the language of Kent's Zoning for the IOC zone, section 77-24.A. For example, specify "no drive-through for the permitted uses "Retail" and "Service Business".
  - f. Under the SoU section heading "Special Permitted Uses", it is suggested the listed uses be more consistent with the language of the IOC zone, section 77-24.C. Instead of "Commercial Garages", the term "Motor vehicle repair shop, motor vehicle service station, with or without convenience store, with or without car wash and commercial garage" is listed. The proposed use appears to be more consistent with this special use.
  - g. The submitted application form should be revised to reflect a proposed special use.
  - h. "Car wash" and "Gasoline pumps" are not separate uses or special uses; and should not be listed as such. They are aspects of the special use listed as "Motor vehicle repair shop, motor vehicle service station, with or without convenience store, with or without car wash and commercial garage".
  - i. Add a section in the Statement of Use to address each of the requirements for "Motor vehicle repair shop, motor vehicle service station, with or without convenience store, with or without car wash and commercial garage" in zoning subsection 77-24.C. (5)(a) through (j).
  - j. Address the requirements in subsection 77-24.C. (5)(a) through (j) on the site plans.
  - k. In regard to section 77-24.C. (5)(i), it is understood that signage may be addressed in more detail in later site plan review. However, sign plans must be presented to the extent needed to address the visual impact of the proposed action.
  - l. Corresponding to 77-24.C. (5)(j), confirm whether a car wash or truck washing facility is proposed, or not.
  - m. Under the SoU section heading "Proposed Action", clarify what is meant by the terms "truck stop" and "service aisle". Clearly identify these elements on the plans differentiating service aisle with fueling areas.

- n. Revise the items under the SoU section heading "Proposed Action" and the corresponding site plans so that all the terms and areas are consistent on each. For example, the plans show a "food court"; "country store"; "rest area"; and "expansion area". Yet the SoU lists "country store and restaurant" with no mention of the other items.
- o. Describe the need for a wastewater treatment facility, which would discharge to a subsurface discharge area.
- p. Address the requirements in subsection 77-24.C. (5)(a) through (j) under the SoU heading for zoning compliance.
- q. The zoning compliance statement about coverage is conclusive, yet must be supported with coverage numbers.
- r. Although the proposed development appears to be "compact", the design requires wholesale removal of the site's topography; large, mature and specimen trees and wooded areas; and a wetland in the western half of the site. The proposed development appears to be inconsistent with the policies, findings, purposes, objectives, standards and criteria in Kent's code: - Chapter 39A. Freshwater Wetlands, sections 39A-2; 39A-3; and 39A-8; and - Chapter 66, Steep Slope Protection and Stormwater Management, sections 66-2; 66-14; and 66-18. Similarly, the proposal would be inconsistent with the zoning purposes of protecting and promoting aesthetics, appearance, and natural qualities, as per section 77-2. B; and related design standards in section 77-26. A. It is recommended the design be fully revised to work with the site's natural features and contours; and to reduce the extensive vegetation removal and excavation that would be required by the proposed grading plan. The revised site layout should take advantage of these features by placing the hotels and conference center near the site's natural amenities, thus making these facilities more desirable to potential visitors.
- s. Add a heading to the SoU with narrative about land disturbance to address the extensive changes in existing and proposed grades.
- t. Parking requirements will be reviewed in a later submittal pending more complete information and clarity between the plans and the SoU about proposed uses; floor area and building square footage; and building heights.
- u. The information under the SoU heading "Retail Building Data" is unclear, incomplete; and inconsistent with the site plans. Also, the site plans do not provide square footage for all of the apparent structures, so the building data cannot be verified. For example, the "Tire store & Gas Service Aisle Roof" number is much lower (8,396 square feet [SF]) than what appears to be shown on the plans with a tire shop; fueling canopy; and other canopies (30,595 SF). The items listed for "Restaurant/Store" and "Future Country Store Addition" do not correspond to site plan labels and cannot be verified.
- v. The plans must clearly label each building's and each structure's (such as canopy's) dimensions; footprint; total square footage; and number of stories either in the plan view or in a table on the plans.
- w. Under the SoU heading Zoning Requirements, certain zoning requirements are listed, yet not all. It is suggested reference be made to the plans. Also, the maximum building height requirement of 40 feet (40') is listed, yet the plans indicate a proposed building height of 4 stories and 50'. Both values exceed the zoning requirement of 3 stories or 40'. Revised the site plans and corresponding Zoning Tabulation to reflect a project conforming to the Town's zoning height requirements for the IOC zoning as per section 77-25. H. Zoning information is provided in a couple places in the SoU and on

- the plans, which information should be consolidated for clarity; and consistent wherever presented.
- x. The rest of the SoU will be reviewed at a later date when existing conditions plans and the proposed action as per the site plans are complete and clear.
  - y. A "Steep Slope Narrative" is attached to the submittal separate from the SoU or the Full EAF, which should be incorporated. This narrative should be revised in response to site redesign as per the comments above; and to address the Findings of Fact and Purpose in code Chapter 66, Steep Slope Protection and Stormwater Management, section 66-2.
10. As noted above additional reports, complete and clear plan information and details about the site's existing conditions and the proposed action are needed for initiation of review under SEQRA. Accordingly, the submitted Full EAF, Part 1 will be reviewed in more detail at a later date. However, I offer the following initial comments:
- a. In Full EAF section A., the description of the proposed action should refer to the Statement of Use (SoU) after it has been fully revised to demonstrate consistency with the plans and pertinent zoning provisions.
  - b. It is recommended that Full EAF section B. refer to a table presenting required approvals in a more detailed list given the complexity of the proposed action.
  - c. Full EAF section B. must be revised to delete "Special Permit" from row B.a as the Town Board does not have jurisdiction over special uses.
  - d. As noted above, a special use permit is required. As per zoning section 77-24.C., such approval would be from the Planning Board, which should be reflected in row B.b.
  - e. Section B., row B.c indicates building height would be considered by the Zoning Board of Appeals. The plans should be revised to address the building height requirements of the IOC zoning district as per the comments above. Development of the site in compliance with zoning requirements is feasible given the size of the site with proper redesign.
  - f. I row B.g., add the NYS Office of Parks, Recreation and Historic Preservation (NYS OPRHP; aka SHPO) as the aerial photography appears to show remains of a former use (estate or farm). Also, there appears to have been a consultation project as per the Cultural Resource Information System (CRIS) mapping for the project site.
  - g. The response to Full EAF question C.2 indicates possible comprehensive plan recommendations for the site. Provide narrative with references to the Town's plan adopted in 2008.
  - h. The response to EAF question C.2.b should be "Yes" identifying the New York City watershed boundary per NYSDEC's EAF Mapper platform.
  - i. The response to question C.2.c should note any recreational facilities, including Wonder Lake State Park, in proximity to the site as per the Town of Kent Recreation Master Plan of 2011 and the maps therein.
  - j. EAF section D. Project Details will be reviewed at a later date based on submittal of a revised, complete plan set that provides clear and consistent information about the proposed action.
  - k. EAF section E. Site and Setting of Proposed Action will be reviewed at a later date based on submittal of a revised, complete plan set that provides clear and consistent information about the site's existing conditions; and related reports about the site's existing conditions.
  - l. In regard to the response to Full EAF question e.3.f, provide a copy of any materials uploaded to the NYS OPRHP's CRIS for consultation about possible historic features or archaeological sensitivity of the site.



- m. The response to EAF question E.3.h may need to be revised depending on the results of a visual impact analysis and any impacts on the view of the site from nearby roadways, recreational facilities or other viewpoints identified within the project site's environs.

### Site Plan Application

11. I defer to the Planning Board's Engineering and Environmental Consultants about the specifics of the Erosion Control Permit; and Wetland Delineation. Accordingly, my comments pertain primarily to the site plan.
12. As per the comments above, although the plans appear to depict a somewhat "compact" development, the design requires wholesale removal of the site's topography in the western half of the site. The plans must be revised to show a proposed development that is consistent with the Findings of Fact and Purpose in code Chapter 66, Steep Slope Protection and Stormwater Management, section 66-2. Similarly, plans must be revised to show a proposal, which would be consistent with the zoning purposes of protecting and promoting aesthetics, appearance, and natural qualities, as per section 77-2. B. It is recommended the design be fully revised to work with the site's contours to reduce the extensive excavation that would be required by the proposed grading plan.
13. Based on my review the proposed development includes the following principal permitted uses listed for the IOC district as set forth in zoning section 77-24, A.: commercial recreation facility; conference facility; hotel; restaurant, no drive-through; retail business, no drive-through; and possibly service business, no drive-through. The proposed development also includes the following special use listed for the IOC district as set forth in zoning section 77-24, C.: "Motor vehicle repair shop, motor vehicle service station, with or without convenience store, with or without car wash and commercial garage". As per comments above, the application must be revised to reflect the need for a special permit.
14. As per the comments above, the narrative and plans must be revised to address and to show compliance with the supplementary requirements in zoning section 77-24 C. (5)(a) through (j).
15. The general requirements for Special use permits in zoning section 77-59 must also be addressed.
16. The submitted plans were reviewed in detail per the lot and bulk requirements and design standards in zoning section 77-25 and 77-26, respectively. However, there are concerns expressed in the comments above about redesign with respect to topography, vegetation, wetlands, grading, visual effects, building height, etc., as well as incomplete plans and inconsistencies between the plans and narrative. Accordingly, more detailed comments will be considered following the submittal of a revised application and plans in accordance with all pertinent Kent code provisions.
17. The following general plan comments and questions are offered:
  - a. Consolidate and coordinate site access by deleting 1 of the 4 points of access to Route 52. Specifically, delete the 2-way access to the "Truck Stop", which is the driveway immediately east of the proposed boulevard entrance; and retain the boulevard; and the 2 driveways to the "Truck Fueling" and "Truck Parking" area.
  - b. Add notation or label aspects of the "Truck Stop"; "Truck Fueling" and "Truck Parking" area to clarify whether the following structures; facilities or activities are proposed: service aisle with or without canopy; truck fueling with or without canopy; identify the structure in between the fueling and parking areas; the various types of truck services (tires; oil service other?); truck spaces for overnight use; shower facilities;

- c. Revise the stormwater improvements to the west of the La Quinta hotel to eliminate what appears to be the elimination of a wetland.
- d. Incorporate parking under buildings; add green roofs; or landscaped areas within the center of the site to break up large expanses of "hardscape", that is within relatively continuous areas of buildings; parking and driveways.

### Recommendation

18. The Planning Board should direct the applicant to:
  - a. reconfigure the site layout as set forth in the comments above; and
  - b. provide a complete application.
19. The Planning Board should direct the Applicant to provide the application; plan; and reports necessary for initiation of SEQRA review.
20. Since the application requires key changes and is not complete, it is not ready for a public hearing.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at laxelson@morrisengineers.com.

cc: Bill Walters  
Julie Mangarillo  
Bruce Barber

### Materials Reviewed

- Application for Site Plan; and Steep Slope & Erosion Control, signed 9/6/17 with attached:
  - o Request for Wetland Delineation Confirmation; affidavits; certifications; Agricultural Data Statement;
  - o Putnam County Recording Pages/Deed from 1995;
  - o Authorization letters of January 18, 2018 and August 7, 2017;
  - o Project Information, preparer not indicated, undated;
  - o Statement of Use narrative, preparer not indicated, dated November 20, 2017;
  - o Zoning Tabulation Chart, preparer not indicated, dated 1/9/18;
  - o Full EAF, signed by Peder Scott, PE, P.W. Scott Engineering & Architecture, dated January 18, 2018 with attached NYSDEC Environmental Mapper printout;
  - o Report List, preparer not indicated, undated;
  - o List of Neighbors, received 1/17/18;
  - o Steep Slope Narrative; and
- Plans entitled Route 52 Development, 52 US Route 52, Kent, New York, prepared by PREPARERS NOT INDICATED, P.W. Scott Engineering & Architecture, and others (see below), dated January 10, 2018, including the following
  - o Index Plan (Sheet ID);
  - o Existing Conditions (Sheet EX);
  - o Parking Site Plan (Sheet SY1);
  - o Grading & Drainage Plan (Sheet SY2);
  - o Boundary Survey (Sheet EX1); and
  - o Soil/Wetland Map (Sheet SW).



# Memorandum

To: Planning Board  
Town of Kent

Attn: Phil Tolmach  
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Subdivision

Date: June 13, 2018

Project: Murtaugh Subdivision –  
Peekskill Hollow Rd  
TM # 42.-2-51

The following materials were reviewed:

- Putnam County Department of Highways & Facilities letter, dated April 12, 2018
- "Preliminary Subdivision Plat Prepared for John Murtaugh," prepared by Badey & Watson Surveying & Engineering, P.C., dated March 23, 2018
- "Erosion & Sediment Control Plan," prepared by Badey & Watson Surveying & Engineering, P.C., revised May 24, 2018

The project proposes subdivision of an existing 17 +/- acre lot into two (2) lots. There is an existing house, driveway, septic and out buildings.

The following comments are provided for the Planning Board's consideration:

1. Per Town Code Chapter 66-6.B.2.g [5] - Include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant.
2. Per NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002, provide the following:
  - a. Part III.B.1.i – "A maintenance inspection schedule for the contractor(s) identified in Part III.A.6. of this permit, to ensure continuous and effective operation of the erosion and sediment control practices. The maintenance inspection schedule shall be in accordance with the requirements in the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005;"
  - b. Part III.B.1.j – "A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges;"
  - c. Provide notes regarding the procedure for termination of coverage in an MS4 community (GP-0-15-002 Part V.A.4).
3. Provide a Notice of Intent (NOI) for review.

4. Provide an MS4 SWPPP Acceptance Form with Sections I and II completed.
5. A bond estimate of \$5,658.00 was included on the "Erosion & Sediment Control Plan" prepared by Badey & Watson. We have no objection to this amount. However, we recommend waiting until the Notice of Intent (NOI) can be reviewed prior to formally recommending this bond amount for approval.
6. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule.
7. Peekskill Hollow Road is a County Road, therefore approval from County Department of Highways & Facilities will be required for a new driveway. The applicant has obtained "conceptual approval" for the driveway in a letter dated April 12, 2018. The proposed driveway profile shows a 1.5% slope from the County Road. This does not appear to meet the standards for a driveway from a County Road. Prior to final subdivision approval and issuance of erosion control permit, the minimum slope from a County road should be confirmed. Changes in grading may be required to accommodate the County requirements.
8. Per Town Code 57-26.A(3)(a) – Label or provide a note requiring the first 30 feet of the driveway to be paved. The hatching on the drawing seems to indicate it, but it should be called out as well.
9. Provide Health Department approvals when available.
10. We defer to the Planning Board's environmental consultant regarding wetland issues.
11. We defer to the Planning Board's planning consultant regarding subdivision and zoning issues.



Julie S. Margarillo, P.E., CPESC

cc: Planning Board via email  
Bill Walters via email  
Liz Axelson, AICP via email

Bruce Barber via email  
18-261-245



# Cornerstone Associates

---

*Environmental Consultants*

*1770 Central Street*

*Yorktown Heights, NY 10598*

*Phone: (914)-299-5293*

June 12, 2018

To: Planning Board

From: Bruce Barber

Town of Kent Environmental Consultant

**Re: Ryder Property**

170 Waywayanda Court

Section 41 Block 1 Lot 8

Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised I have reviewed the following documents relative to the above referenced application:

- Plans entitled; "Project: John Ryder" prepared by Architectural Visions, dated 05/16/18, 1 sheet: AS-101.

**A: Summary of Application:**

Application is to construct a two story, three bedroom, single-family residence approximately 2,525 square feet in size on a 5.5+/- acre parcel in an R-80 zoning district on eastern side of Waywayanda Court. In addition the applicant proposes construction of a detached, garage with bathroom.

**B: Environmental review:**

The applicant has provided responses to the majority of the earlier review comments prepared by this office. The following comments remain:

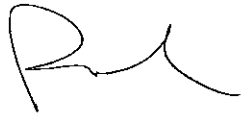
Site Plan.

1. Limit of disturbance remains extremely close to the rear of the home and does not appear to be realistic if a patio or deck is to be constructed or a typical rear yard play area is to be created. Suggest that a future patio or deck be shown on the plans to ensure that future Planning Board permits will not be required to construct.
2. Plan indicates wetland buffer will be marked in the field with stone. The buffer should be marked with boulders no greater than 5' apart or a post and rail fence.

3. Plan indicates no cutting of Chestnut Oak Forest trees between November to March. Plan note should be revised to indicate no cutting of any trees during that time period.
4. Plan should indicate that the limits of disturbance shall be field located by a NYS Licensed Surveyor and installed prior to the commencement of work on the site.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Barber', written in a cursive style.

Bruce Barber, PWS, Certified Ecologist  
Town of Kent Environmental Consultant



## Cornerstone Associates

---

*Environmental Consultants*  
1770 Central Street  
Yorktown Heights, NY 10598  
Phone: (914)-299-5293

June 12, 2018

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Murtagh Application**  
1144 Peekskill Hollow Road  
Section 42 Block 2 Lot 51

Please be advised I have reviewed the following documents submitted relative to the above referenced application:

- Plan entitled; "Erosion and Sediment Control Plan prepared for John Murtagh" prepared by Badey and Watson dated 05/24/18, 1 sheet.

### **Review Comments:**

1. The above referenced plan accurately depicts the jurisdictional Town of Kent delineated wetland and wetland buffer areas. Please note however, that the wetland buffer is not properly marked with a line and arrow on the proposed lot. Disturbance is proposed within the jurisdictional wetland buffer and as a result a Town of Kent wetland permit is required.
2. Applicant is to quantify the area (SF) of wetland buffer disturbance and provide a mitigation plan.
3. Please label location of the proposed post and rail fencing.
4. Provide note indicating that the driveway, with the exception of the required area adjacent to the road, shall not be paved.
5. NYSDEC executed wetland certification block has not been provided.
6. Plan must indicate that tree cutting on the site shall only occur between November 1 and March 1.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Cert. Ecologist  
Town of Kent Environmental Consultant



## Cornerstone Associates

---

*Environmental Consultants*  
1770 Central Street  
Yorktown Heights, NY 10598  
Phone: (914)-299-5293

June 12, 2018

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Autocraft Property**  
146 Hil and Dale Road  
Section 44.7 Block 1 Lot 31  
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised the Town Engineer, Town Planner and I conducted a site inspection on May 22, 2018 at the above referenced property.

At the time of inspection it was noted that fill had been installed in an apparent wetland/wetland buffer area on or adjacent to the subject property. Additionally, it was unclear if fill had been installed on the adjoining site.

It is recommended that this application be referred to the Town Code Enforcement Officer for review.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Bruce Barber, PWS, Certified Ecologist  
Town of Kent Environmental Consultant





## Cornerstone Associates

---

*Environmental Consultants*  
1770 Central Street  
Yorktown Heights, NY 10598  
Phone: (914)-299-5293

June 12, 2018

To: Planning Board

From: Bruce Barber  
Town of Kent Environmental Consultant

**Re: Raneri Property**  
Hillside Road  
Section 44.24 Block 1 Lot3  
Town of Kent, New York

Dear Chairman Tolmach and Members of the Planning Board:

Please be advised the Town Engineer, Town Planner and I conducted a site inspection on May 22, 2018 at the above referenced property.

At the time of inspection it was noted that fill which included visible evidence of asphalt, concrete and other construction materials had been installed on the site.

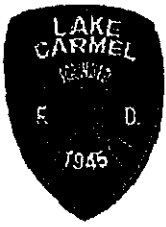
Inspection also revealed potential areas of Town of Kent jurisdictional wetlands on the site. It is unclear if fill had been installed within a wetland area.

It is recommended that this application be referred to the Town Code Enforcement Officer for review.

Please do not hesitate to contact me should you have any questions.

Sincerely,

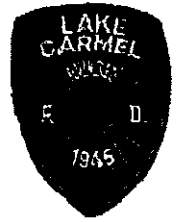
Bruce Barber, PWS, Certified Ecologist  
Town of Kent Environmental Consultant



# Lake Carmel Fire Department

851 Route 52  
Carmel, NY 10512

Phone: (845) 225-3730 – Fax: (845)225-0460



Chief  
David Churchill  
Jr.

1st Asst. Chief  
TJ Donohue

2nd Asst. Chief

Justin Lewis

President  
P.J. Ryan

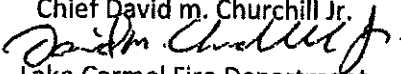
Vice President  
Ed Schaeffler Jr.

April 29, 2018

To ; Town of Kent Supervisor Maureen Fleming and Town Board and Planning Board ,

I am writing this letter on behalf of The Lake Carmel Fire Department regarding The Town Planning Board. We are aware of the several large projects that they are reviewing at this time . Several years ago , The planning board had a Mr. Russ Fleming that served as a Fire Protection Consultant , who worked with The Lake Carmel Fire Department and the planning board to oversee that fire protection requirements were met .We understand that Mr. Fleming is no longer a part of the planning board process , We would like to request that this important position be filled again .We feel strongly that this will assist the fire department in meeting the ongoing challenges and code requirements of these large projects .This consultant , working with the fire department will have great impact on our ability to provide proper fire suppression needed with the water and storage requirements needed to meet the demand of the fire services .

Respectfully ,

Chief David m. Churchill Jr.  
  
Lake Carmel Fire Department

**From:** Harry Cruz [ultimatedetailing4u@gmail.com]  
**Sent:** Tuesday, May 29, 2018 9:41 AM  
**To:** Planning Kent  
**Subject:** Fwd: Ultimate Auto Detailing sign

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

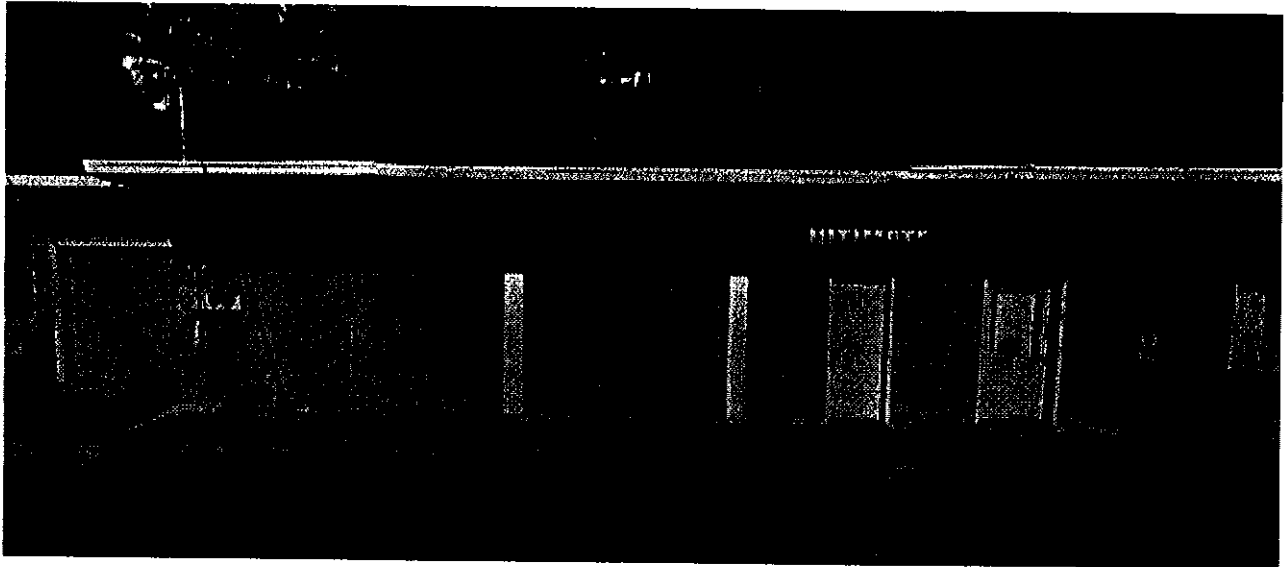
Please see attached sign for front of garage. I was unsure of approval and would like to get this ordered as soon as possible

Thank you

Sabrina Cruz  
ULTIMATE AUTO DETAILING  
845-538-7912

Sent from my iPhone

**Extreme Designs**





# MORRIS ASSOCIATES

ENGINEERING & SURVEYING CONSULTANTS, PLLC

9 Elks Lane, Poughkeepsie, New York 12601 Tel: (845) 454-3411 Fax: (845) 473-1962  
 64 Green Street, Suite 1, Hudson, New York 12534 Tel: (518) 828-2300 Fax: (518) 828-3963

## MEMORANDUM

**Date:** May 29, 2018  
**To:** Town of Kent Planning Board  
**From:** Liz Axelson, AICP  
**RE:** Murtaugh Subdivision; & Erosion Control Plan, 1250 Peekskill Hollow Road, Tax Parcel No. 42.-2-51 / MA# 218037.00

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapter 77, Zoning; and Chapter 66A Subdivision of Land. Based on my review I offer the following comments for the Board's consideration:

### Summary

1. The proposal involves the subdivision of a 17.576-acre parcel to create two (2) lots for single-family development (see tax parcel listed above) in the R-80 (One Family Residence) zoning district. As such it is a minor subdivision. An existing single-family dwelling, 2 existing block buildings, driveways to all existing buildings and other site improvements would be located on proposed Lot 1.
2. The lots were reconfigured as recommended with respect to the wetlands and wetland soils along the site's frontage with the driveway for Lot 2 via an easement to Peekskill Hollow Road. The location of Lot 2's driveway within the Town Wetland Buffer will require a wetland permit. Please refer to the zoning and subdivision comments below, which detail the numerous application; and zoning compliance issues that remain to be addressed. Accordingly, the application is not complete.
3. Since application revisions; and final plat data must be provided for a complete application, the application may not ready for a public hearing.

### SEQRA

4. The proposed action appears to be an Unlisted action as per the SEQRA regulations, Part 617, sections 617.4 and 617.5.
5. Sufficient information has been submitted that the Planning Board may wish to issue a Declaration of Intent to be Lead Agency for this SEQR review. A resolution has been drafted for the Board's consideration.
6. A wetland application will be required; zoning compliance issues and subdivision requirements remain to be addressed. These application and plan revisions are needed so that the Planning Board may consider a SEQR determination at a later date.

### Subdivision Application

7. I defer to the Planning Board's Engineering and Environmental Consultants about the specifics of the Erosion Control Permit; and Wetland Delineation. Accordingly, my comments pertain primarily to the subdivision plat.
8. Please provide a response letter with the next submittal.

9. The proposed lots were reconfigured so that they now generally comply with the development regulations for residential lots per zoning 77-73, A. as the required 10,000-square-foot rectangles are now located outside of any environmentally sensitive lands (wetlands and steep slopes). On the subdivision plat, label the Town Wetland boundary as it is shown on the erosion control plan.
10. As per prior comments, the proposed septic system for each lot must be shown in the relocated 10,000 SF rectangles. Address the requirements in zoning section 77-73, A. and C.
11. Revision of the rectangles required by zoning resulted in corresponding changes to the proposed lot lines and access to the lots. The proposed driveway for Lot 2 is now located outside of the Town Wetland area. Yet the Lot 2 driveway is within the Town Wetland Buffer, which will require a Town wetland permit.
12. As per prior comments, regarding the R-80 residential zoning requirements in 77-8, revise the plans to address the following:
  - a. Label the uses of the other existing buildings on the site.
  - b. The lot and bulk requirements table was revised per the new lot configuration. Revise the Lot 1 rear yard based on the closest structure to the rear yard, the 1-story block building, which appears to be about 1,370 feet from the rear line.
  - c. Revise the note in the lot and bulk table regarding the 17.7-foot (17.7') side yard to state that this is a pre-existing, **noncomplying** condition.
13. As per prior comments, corresponding to the R-80 design standards, revise the plans to address the following:
  - a. Add notation that utilities shall be placed underground, if possible.
  - b. Demonstrate that driveways are designed to allow underground utilities.
14. As per prior comments, revise the plans to demonstrate compliance with the supplementary regulations for flag lots in zoning section 77-29 as follows:
  - a. Provide a profile to address driveway construction standards in the subdivision regulations.
  - b. Regarding zoning section 77-29, C.(1) delineate the required minimum lot area with adequate width and yard setbacks.
15. As per prior comments, the following items listed in Chapter 66A, Subdivision of Land, sections 66A-19, A. and B., should be addressed before the subdivision is resubmitted (most items should be plan revisions):
  - a. Revise the final application form regarding:
    - i. the possible need for a wetland permit;
    - ii. any submittals to the Putnam County Health Department; or the NYS Department of Environmental Conservation;
    - iii. update the smallest lot size from 2 acres;
    - iv. revise to acknowledge the possible need for a common driveway;
    - v. update form section C) 1) to 6) about any freshwater wetland permitting; and
    - vi. update form section D) 1) to 2) about steep slopes.
  - b. Submit certification of title of ownership.
  - c. Add preparer's names, signatures and certifications/seals to the plat and plan sheets.
  - d. Show the owner across Peekskill Road.
  - e. Clarify any proposed access easement with labeling or a legend item.
  - f. Metes and bounds will be needed later for easements and proposed lot lines.
  - g. Show proposed monuments.
  - h. Provide a legal instrument for driveway easement for Lot 2 over Lot 1 for review by the Planning Board Attorney.
  - i. Add driveway profiles.

- j. Show the septic reserve area, which was shown on the previous plan set, on Proposed Lot 1.
- k. Add school, fire or special districts to the property data table.
- l. I defer to the Planning Board's Environmental Consultant about the accuracy of locations of wetland boundaries and corresponding adjacent or buffer areas.
- m. Clearly show and/or label the stream across Peekskill Hollow Road.
- n. Clearly show any existing or proposed culverts with pipe sizes, grades, direction of flow, etc.

### Recommendation

16. The Planning Board should direct the applicant to:
  - a. address the comments above; and
  - b. provide a complete application.
17. The Planning Board may wish to issue a Declaration of Intent to be Lead Agency for this SEQR review. A resolution has been drafted for the Board's consideration.
18. Since the application requires key changes and is not complete, it may not be ready for a public hearing.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at [laxelson@morrisengineers.com](mailto:laxelson@morrisengineers.com).

cc: Bill Walters  
Julie Mangarillo  
Bruce Barber

### Materials Reviewed

- Plan entitled Preliminary Subdivision Plat Prepared For John Murtaugh, prepared by PREPARER NOT INDICATED, Badey & Watson Surveying & Engineering, dated March 23, 2018, revised May 24, 2018; and
- Plan entitled Erosion & Sediment Control Plan, prepared by PREPARER NOT INDICATED, Badey & Watson Surveying & Engineering, dated March 23, 2018, revised May 24, 2018.



**MORRIS ASSOCIATES**  
ENGINEERING & SURVEYING CONSULTANTS, PLLC

9 Elks Lane, Poughkeepsie, New York 12601 Tel: (845) 454-3411 Fax: (845) 473-1962  
 64 Green Street, Suite 1, Hudson, New York 12534 Tel: (518) 828-2300 Fax: (518) 828-3963

**MEMORANDUM**

**Date:** May 29, 2018  
**To:** Town of Kent Planning Board  
**From:** Liz Axelson, AICP  
**RE:** Murtaugh Subdivision; & Erosion Control Plan, 1250 Peekskill Hollow Road, Tax Parcel No. 42.-2-51 / MA# 218037.00

I reviewed the materials listed at the end of this memorandum. I also reviewed online mapping resources; and the Code of the Town of Kent, Chapter 77, Zoning; and Chapter 66A Subdivision of Land. Based on my review I offer the following comments for the Board's consideration:

Summary

1. The proposal involves the subdivision of a 17.576-acre parcel to create two (2) lots for single-family development (see tax parcel listed above) in the R-80 (One Family Residence) zoning district. As such it is a minor subdivision. An existing single-family dwelling, 2 existing block buildings, driveways to all existing buildings and other site improvements would be located on proposed Lot 1.
2. The lots were reconfigured as recommended with respect to the wetlands and wetland soils along the site's frontage with the driveway for Lot 2 via an easement to Peekskill Hollow Road. The location of Lot 2's driveway within the Town Wetland Buffer will require a wetland permit. Please refer to the zoning and subdivision comments below, which detail the numerous application; and zoning compliance issues that remain to be addressed. Accordingly, the application is not complete.
3. Since application revisions; and final plat data must be provided for a complete application, the application may not ready for a public hearing.

SEQRA

4. The proposed action appears to be an Unlisted action as per the SEQRA regulations, Part 617, sections 617.4 and 617.5.
5. Sufficient information has been submitted that the Planning Board may wish to issue a Declaration of Intent to be Lead Agency for this SEQR review. A resolution has been drafted for the Board's consideration.
6. A wetland application will be required; zoning compliance issues and subdivision requirements remain to be addressed. These application and plan revisions are needed so that the Planning Board may consider a SEQR determination at a later date.

Subdivision Application

7. I defer to the Planning Board's Engineering and Environmental Consultants about the specifics of the Erosion Control Permit; and Wetland Delineation. Accordingly, my comments pertain primarily to the subdivision plat.
8. Please provide a response letter with the next submittal.

9. The proposed lots were reconfigured so that they now generally comply with the development regulations for residential lots per zoning 77-73, A. as the required 10,000-square-foot rectangles are now located outside of any environmentally sensitive lands (wetlands and steep slopes). On the subdivision plat, label the Town Wetland boundary as it is shown on the erosion control plan.
10. As per prior comments, the proposed septic system for each lot must be shown in the relocated 10,000 SF rectangles. Address the requirements in zoning section 77-73, A. and C.
11. Revision of the rectangles required by zoning resulted in corresponding changes to the proposed lot lines and access to the lots. The proposed driveway for Lot 2 is now located outside of the Town Wetland area. Yet the Lot 2 driveway is within the Town Wetland Buffer, which will require a Town wetland permit.
12. As per prior comments, regarding the R-80 residential zoning requirements in 77-8, revise the plans to address the following:
  - a. Label the uses of the other existing buildings on the site.
  - b. The lot and bulk requirements table was revised per the new lot configuration. Revise the Lot 1 rear yard based on the closest structure to the rear yard, the 1-story block building, which appears to be about 1,370 feet from the rear line.
  - c. Revise the note in the lot and bulk table regarding the 17.7-foot (17.7') side yard to state that this is a pre-existing, **noncomplying** condition.
13. As per prior comments, corresponding to the R-80 design standards, revise the plans to address the following:
  - a. Add notation that utilities shall be placed underground, if possible.
  - b. Demonstrate that driveways are designed to allow underground utilities.
14. As per prior comments, revise the plans to demonstrate compliance with the supplementary regulations for flag lots in zoning section 77-29 as follows:
  - a. Provide a profile to address driveway construction standards in the subdivision regulations.
  - b. Regarding zoning section 77-29, C.(1) delineate the required minimum lot area with adequate width and yard setbacks.
15. As per prior comments, the following items listed in Chapter 66A, Subdivision of Land, sections 66A-19, A. and B., should be addressed before the subdivision is resubmitted (most items should be plan revisions):
  - a. Revise the final application form regarding:
    - i. the possible need for a wetland permit;
    - ii. any submittals to the Putnam County Health Department; or the NYS Department of Environmental Conservation;
    - iii. update the smallest lot size from 2 acres;
    - iv. revise to acknowledge the possible need for a common driveway;
    - v. update form section C) 1) to 6) about any freshwater wetland permitting; and
    - vi. update form section D) 1) to 2) about steep slopes.
  - b. Submit certification of title of ownership.
  - c. Add preparer's names, signatures and certifications/seals to the plat and plan sheets.
  - d. Show the owner across Peekskill Road.
  - e. Clarify any proposed access easement with labeling or a legend item.
  - f. Metes and bounds will be needed later for easements and proposed lot lines.
  - g. Show proposed monuments.
  - h. Provide a legal instrument for driveway easement for Lot 2 over Lot 1 for review by the Planning Board Attorney.
  - i. Add driveway profiles.



- j. Show the septic reserve area, which was shown on the previous plan set, on Proposed Lot 1.
- k. Add school, fire or special districts to the property data table.
- l. I defer to the Planning Board's Environmental Consultant about the accuracy of locations of wetland boundaries and corresponding adjacent or buffer areas.
- m. Clearly show and/or label the stream across Peekskill Hollow Road.
- n. Clearly show any existing or proposed culverts with pipe sizes, grades, direction of flow, etc.

### Recommendation

16. The Planning Board should direct the applicant to:
  - a. address the comments above; and
  - b. provide a complete application.
17. The Planning Board may wish to issue a Declaration of Intent to be Lead Agency for this SEQR review. A resolution has been drafted for the Board's consideration.
18. Since the application requires key changes and is not complete, it may not be ready for a public hearing.

If you have any questions please do not hesitate to contact me at 845-454-3411 ext. 21, or e-mail at [laxelson@morrisengineers.com](mailto:laxelson@morrisengineers.com).

cc: Bill Walters  
Julie Mangarillo  
Bruce Barber

### Materials Reviewed

- Plan entitled Preliminary Subdivision Plat Prepared For John Murtaugh, prepared by PREPARER NOT INDICATED, Badey & Watson Surveying & "Engineering, dated March 23, 2018, revised May 24, 2018; and
- Plan entitled Erosion & Sediment Control Plan, prepared by PREPARER NOT INDICATED, Badey & Watson Surveying & "Engineering, dated March 23, 2018, revised May 24, 2018.